

Response Dated: December 27, 2005

Customer No.: 00909

Applicant: GATTO  
Serial No: 09/982,838  
Filing Date: October 22, 2001  
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**AMENDMENTS TO THE DRAWINGS:**

- The fifty-eight (58) attached sheets of drawings in APPENDIX A replace the sheets depicting FIGS. 1-57 that were filed on October 22, 2001.

**APPENDIX A:** Replacement Sheets for FIGS. 1-57.

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### REMARKS

In response to the Office Action mailed December 5, 2005 (hereinafter "Office Action"), no claims have been amended, cancelled, or newly added. Therefore, claims 95-112, 114, and 117-126 are pending. In view of the following comments, allowance of all the claims pending in the application is respectfully requested.

### INFORMATION DISCLOSURE STATEMENT

Applicant thanks the Examiner for considering the references cited in the Supplemental Information Disclosure Statement filed on September 21, 2005, as evidenced by the signed and initialed copy of the PTO-1449 Form returned with the Office Action.

An Information Disclosure Statement was filed by Applicant on February 13, 2003 (in addition to the electronic Information Disclosure Statement filed on the same date). To date, however, Applicant has yet to receive a copy of the Form PTO-1449 (that accompanied this submission) signed and initialed by the Examiner indicating that cited references were considered. Accordingly, Applicant respectfully requests that the Examiner provide a signed and initialed copy of the Form PTO-1449 for this submission with the next Office Action.

### DRAWINGS

The fifty-eight (58) attached sheets of drawings in APPENDIX A replace the sheets depicting FIGS. 1-57 that were filed on October 22, 2001, and include the corrections to FIGS. 9, 12-18, and 23 as filed with the "Response to First Office Action" on September 21,

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2005. The corrected replacement sheets have been entered by the Examiner. See Office Action, pg. 2, ¶1.

### INTERVIEW SUMMARY

Examiner N. Subramanian is thanked for the courtesies extended to Applicant's representative (Mr. Blaise) during a telephonic interview conducted on December 21, 2005. During the interview, the claim rejections under 35 U.S.C. §112, second paragraph, were discussed. As no agreement was reached during the interview, Applicant provides the following arguments traversing the rejection of claims 95-112, 114, and 117-126.

### REJECTIONS UNDER 35 U.S.C. §112, SECOND PARAGRAPH

Claims 95-112, 114, and 117-126 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, in the Office Action (at pg. 2, ¶3), the Examiner recites:

Taken as a whole the claims recite an undue multiplicity of claims by virtue of the unreasonable number of claims presented would tend to obfuscate, confuse, and becloud the claimed invention. Because the examiner believes that in his judgment that twenty (20) claims are sufficient to properly define applicants' invention, applicants are required to select certain claims, not to exceed twenty for examination on the merits of which no more than six are independent claims, See M.P.E.P. 2173.05(n). To be complete **the non-selected claims must be cancelled** or the applicant(s) must present appropriate arguments as to why the above rejection is in error. Note also the new excess claim fees effective 12/8/04 as evidence of what is considered to be unreasonable.

It is further noted that it would appear that a multiplicity of inventions also appear to be involved and the applicants are requested to group their selection accordingly to read on a single invention that was examined in the

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last office action. The applicant should group the claims according to what he believes to be distinct inventions that may be restricted in a subsequent action.

Applicant traverses this rejection. The Examiner has provided no explanation to support the allegation that the 29 pending claims comprise an "unreasonable" number of claims. The Examiner has further failed to provide any explanation as to how the claimed invention has been obfuscated, confused, or "beclouded" by the number of claims presented.

Moreover, Applicant refers the Examiner's attention to the First Office Action mailed March 25, 2005, wherein the Examiner fully examined claims 95-126 on the merits. No rejections based on "undue multiplicity" were made by the Examiner at that time.

Claims 95-112, 114, and 117-126 create neither the degree of multiplicity or repetition, nor the "maze of confusion" necessary to sustain a rejection under 35 U.S.C. §112, second paragraph. Applicant further notes that MPEP §2173.05(n) recites that "*[u]ndue multiplicity rejections based on 35 U.S.C. 112, second paragraph, should be applied judiciously and should be rare.*"

The Examiner has failed to set forth any evidentiary support for the rejection. For *at least* each of the foregoing reasons, the rejection of claims 95-112, 114, and 117-126 under 35 U.S.C. §112, second paragraph, is improper and should be withdrawn.

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**CONCLUSION**

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

By:



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Bradford C. Blaise  
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Date: December 27, 2005

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